

### **REMARKS**

The Applicants are filing a Request for Continued Examination (RCE) herewith and request entry of the foregoing Amendment and consideration of the following remarks before the next action.

With entry of the amendments, Claims 1, 3-8, 10-11, and 13-30 are now in the application. Claims 2 and 9 were previously cancelled.

Claim 12 is being cancelled herein with the features of previous dependent Claim 12 now being incorporated into independent Claim 1.

New Claims 14-30 are being presented for the first time.

The Decision on Appeal affirmed the Examiner's rejection of Claims 1, 3-8, 10-11, and 13, but overruled the Examiner's rejection of Claim 12 in view of the prior art. Amended Claim 1 now incorporates all of the features of previous Claim 12. More specifically, Claim 1 now particularly requires a storage device for providing at least one volume of storage partitioned across the plurality of storage servers.

Further amendments have been made to Claim 1 to address certain other potential matters. For example, the claim has been carefully revised to address any potential antecedent basis problems with elements such as the "storage servers", "set of resources", "overall system load", and "client connection". The "capable of communicating" language is now positively recited as physical communication connection.

We believe that the O'Neil prior art previously of record fails to teach or fairly suggest a storage device that provides at least one volume of storage partitioned across the plurality of servers, such that a first portion of a resource resides on a first server and that a second portion of that same selected resource resides on a second server. We note that distributing a request is not the same thing as distributing the resource itself.

Claim 1 as presented above should therefore be considered allowable for the same reasons as previous dependent Claim 12 and other reasons.

Claims 3-8, 10-11, and 13 either depend directly or indirectly from Claim 1 and therefore should be allowable for the same reasons.

New Claims 14-21 are directed to a storage server apparatus having a storage device that stores only a portion of a partitioned resource, such that other portions of that particular resource

are stored on another storage server, a request handler for determining which portions of a partitioned resource are stored on that storage server and which portions are stored on the other storage server, a load monitor for determining a local load placed on the storage server as well as for receiving information concerning a load on the other server, and a client load distributor for distributing load by closing a client communication connection if the storage server is over utilized.

New Claims 14-21 therefore recite the same limitations as allowable Claim 1.

New method Claims 22-29 have similar scope and should be allowable for the same reasons.

New Claim 30 is directed to a tangible medium containing a program for executing the same functions as method Claim 22.

For these reasons, it is believed that all claims as presented herein are in condition for allowance.

### **CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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